

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PAUL R. DENBESTE,
Appellant,

vs.

JEFFREY G. LOCKE, Trustee,
Appellee.

Case No: C 13-5030 SBA

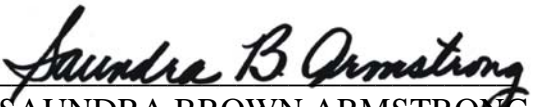
ORDER OF DISMISSAL

On June 12, 2014, the Court issued an Order to Show Cause ("OSC") directing Appellant Paul R. Den Beste to show cause why this bankruptcy appeal should not be dismissed for lack of prosecution under Federal Rule of Civil Procedure 41(b). Dkt. 5. The Court warned Appellant that if he failed to respond to the OSC within ten days, the action would be dismissed. More than ten days have passed since the Court issued its OSC. The Court therefore finds that based on Appellant's failure to timely file a response to the pending motion to dismiss, failure to file an opening brief on appeal and failure to respond to the OSC, dismissal under Rule 41(b) is appropriate. See Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002) (identifying factors to consider under Rule 41(b)). Accordingly,

IT IS HEREBY ORDERED THAT the instant action is DISMISSED with prejudice.

IT IS SO ORDERED.

Dated: June 30, 2014


SAUNDRA BROWN ARMSTRONG
United States District Judge